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STATUTORY INSTRUMENTS

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**1994 No. 654**

**EDUCATION, ENGLAND AND WALES**

**The Education (Governors of New Grant-maintained Schools) Regulations 1994**

<i>Made</i>	- - - -	<i>8th March 1994</i>
<i>Laid before Parliament</i>		<i>10th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

In exercise of the powers conferred on the Secretary of State by sections 60(6), 61(4), 78 and 301(6) of, and paragraph 10(4) of Schedule 5 to, the Education Act 1993<sup>(1)</sup>, the Secretary of State for Education, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

**PART I**  
**GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Governors of New Grant-maintained Schools) Regulations 1994 and shall come into force on 1st April 1994.

(2) In these Regulations references to the 1993 Act are to the Education Act 1993.

**PART II**

**APPOINTMENT OF INITIAL FIRST AND FOUNDATION GOVERNORS**

**Appointment of initial first governors**

2.—(1) This regulation applies where proposals under section 48 of the 1993 Act for the establishment of a new grant-maintained school have been approved by the Secretary of State, or adopted by the funding authority, in accordance with section 51 of that Act.

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(1) 1993 c. 35; for the definitions of “prescribed” and “regulations” see section 305(1).

- (2) Before the incorporation date the funding authority shall—
  - (a) subject to paragraph (3) below, appoint the number of initial first governors specified in the proposals, and
  - (b) notify the Secretary of State in writing where any such appointment is made.
- (3) Before appointing any person to be an initial first governor the funding authority shall obtain the Secretary of State’s consent in writing to that person’s appointment.

**Appointment of initial foundation governors**

**3.—(1)** This regulation applies where proposals under section 49 of the 1993 Act for the establishment of a new grant-maintained school have been approved by the Secretary of State in accordance with section 51 of that Act.

- (2) Before the incorporation date the promoters shall—
  - (a) subject to paragraphs (3) and (4) below, appoint the number of initial foundation governors specified in the proposals, and
  - (b) notify the Secretary of State in writing where any such appointment is made.
- (3) For the purposes of paragraph (2)(a) above, no account shall be taken, in determining the number of initial foundation governors specified in the proposals, of any foundation governorship which is to be held ex officio.
- (4) Before appointing any person to be an initial foundation governor the promoters shall obtain the Secretary of State’s consent in writing to that person’s appointment.
- (5) In this regulation, “promoters” means the persons who published the proposals under section 49 of the 1993 Act.

**Appointment of replacement initial first and foundation governors**

**4.—(1)** This regulation applies where before the incorporation date a person appointed in accordance with regulation 2 or 3 to be an initial first or (as the case may be) foundation governor—

- (a) dies,
  - (b) becomes prospectively disqualified for holding office as such a governor on the governing body, or
  - (c) notifies the person or persons who appointed him (“the appointing authority”) that he is no longer willing to serve on the proposed governing body.
- (2) The appointing authority shall, if it is possible to do so before the incorporation date, appoint a person to be an initial first or (as the case may be) foundation governor to replace the person referred to in paragraph (1) above.
- (3) Before appointing any person to be an initial first or foundation governor in accordance with this regulation the appointing authority shall obtain the Secretary of State’s consent in writing to that person’s appointment.
- (4) The appointing authority shall (if possible before the incorporation date or, if not, as soon as possible thereafter) notify the Secretary of State of any appointment made in accordance with this regulation.

**Interpretation of Part II**

- 5.** In this Part of these Regulations—
  - “initial first governor” and “initial foundation governor” shall have the meanings given to them respectively by paragraphs 7(2) and 8(2) of Schedule 7 to the 1993 Act, and

“the incorporation date” means the date specified in the proposals under section 48 or (as the case may be) 49 of the 1993 Act as the proposed incorporation date of the governing body.

### PART III

#### PARENT AND TEACHER GOVERNORS APPOINTED BEFORE THE IMPLEMENTATION OF PROPOSALS

##### **Requirements for persons to be appointed as parent governors before implementation of proposals**

6.—(1) For the purposes of section 60(6)(a) of the 1993 Act, the requirements which a person must satisfy in order to be appointed as a parent governor of a grant-maintained school before the date of implementation of the proposals for the establishment of the school are that—

- (a) he is a parent of a child who is likely to become a registered pupil at the school in question, or
- (b) where it is not reasonably practicable to appoint such a person, he is the parent of a child of compulsory school age.

(2) In this Part of these Regulations, references to the date of implementation of proposals for the establishment of a new grant-maintained school are to the date specified in the proposals under section 48 or (as the case may be) 49 of the 1993 Act as the proposed date of implementation of the proposals.

##### **Requirements for persons to be appointed as teacher governors before implementation of proposals**

7. For the purposes of section 61(4)(a) of the 1993 Act, the requirements which a person must satisfy in order to be appointed as a teacher governor of a grant-maintained school before the date of implementation of the proposals for the establishment of the school are that he is, or has been, employed to work as a teacher at a school.

##### **Tenure of office of parent and teacher governors appointed before implementation of proposals**

8. For the purposes of paragraph 10(4) of Schedule 5 to the 1993 Act, a parent or teacher governor appointed before the date of implementation of proposals for the establishment of a new grant-maintained school shall hold office—

- (a) until the end of the first school term following the date of implementation of the proposals, or
- (b) (if that period would exceed four years) for a term of four years.

6th March 1994

*John Patten*  
Secretary of State for Education

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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8th March 1994

*John Redwood*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision with respect to the appointment of the initial first or (as the case may be) foundation governors of a new grant-maintained school (Part II). They also make provision relating to the persons appointed as parent and teacher governors of such a school before the implementation date of the relevant proposals (Part III).

Part II of the Regulations makes separate provision with respect to schools proposed to be established by the funding authority in pursuance of proposals under section 48 of the Education Act 1993 (“1993 Act”), and schools proposed to be established by promoters in accordance with section 49 of the 1993 Act. In the former case, the Regulations require the funding authority, before the incorporation of the governing body, to appoint the number of initial first governors specified in the proposals (regulation 2). In the latter case, the promoters are required to appoint before the incorporation date the number of initial foundation governors specified in the proposals (regulation 3). In both cases, the funding authority or (as the case may be) the promoters are to obtain the Secretary of State’s consent before making any appointment. Part II of the Regulations also includes provision for the replacement of any governors so appointed (regulation 4).

Part III of the Regulations prescribe the requirements which a person is to satisfy in order to be appointed as a parent or teacher governor before the implementation of proposals for the establishment of a new grant-maintained school (regulations 6 and 7). Part III also makes provision as to the length of term of office of such governors (regulation 8).